IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22073 of 2004

Between:

M. Jayaramulu, S/o. Late M. Venkataramaiah, Hindu,
R/o. D.NO. 1-67, Chilamkur Village, Pamur Mandal,

Prakasam District.

..... PETITIONER

AND

1 The Joint Collector, Prakasam District at Ongole.
2 The Revenue Divisional Officer, Kandukur, Prakasam District.
3 The Mandal Revenue Officer, Pamur Mandal, Prakasam District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the order of the 2nd respondent issued in his proceedings in Rc.F/2697/2004 dated 4-11-2004 suspending the permanent dealership authorization of the petitioner of Fair Price Shop of Chilamkur Village, Pamur Mandal, Prakasam District, and consequential inaction of the 1st respondent in not disposing of the stay petition and appeal of the petitioner on his file, filed against the order of the 2nd respondent dated 4-11-2004 as arbitrary, malafide, illegal, improper, unconstitutional and against the right of appeal and consequently set-aside the orders in RC.F/2697/2004 dated 4-11-2004 issued by the 2nd respondent thereby enabling the petitioner to continue as permanent fair price shop dealer of Chilamkur Village, Pamur Mandal, Prakasam District.

Counsel for the Petitioner:MR.RAJANIKANTH JWALA

Counsel for the Respondents 1 to 3: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

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ORDER:

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Petitioner is a Fair Price Shop Dealer of Chilamkur Village, Pamur Mandal, Prakasam District. His authorization was suspended by the 2nd respondent through orders, dated 04.11.2004, alleging that the petitioner had resorted to certain irregularities. Petitioner claims that he has preferred an appeal before the Joint Collector under Clause 20 of the A.P. State Public Distribution System Control Order, 2001, together with an application for grant of stay. His grievance is that the appellate authority has not passed any orders so far.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

On behalf of the petitioner, an attempt is made to convince this Court that if the facts and figures furnished in the order of suspension are taken in the proper perspective, there does not exist any variation, and in that view of the matter, the suspension was not called for at all. This Court would certainly have gone into such aspects, but for

the fact that the appeal as well as the stay application filed by the petitioner before the 1st respondent are pending. Though it cannot be said that the 1st respondent had unduly delayed the disposal of the matter, by the very nature of the things, an application for grant of stay has to be disposed of at the earliest. Many a time the delay in disposal of the application for grant of stay may defeat the very purpose of preferring the appeal.

Hence, the writ petition is disposed of directing the 1st respondent to pass appropriate orders on the application for grant of stay filed by the petitioner along with appeal, within ten days from the date of receipt of a copy of this Order. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 1st December, 2004

Note: Office to furnish copy

in three days.

(B/o.)

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To

1 The Joint Collector, Prakasam District at Ongole.
2 The Revenue Divisional Officer, Kandukur, Prakasam District.
3 The Mandal Revenue Officer, Pamur Mandal, Prakasam District.

4 2 CCS to the G.P. for Civil Supplies, High Court of A.P., Hyderabad (OUT).

5 2CD copies